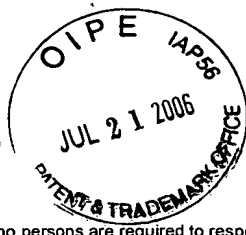


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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

060258-0277182

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

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name _____

Application Number

09/762,721

Filed

April 26, 2001

First Named Inventor

TIIHONEN et al.

Art Unit

2663

Examiner

Lee, Chi Ho. A.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record. 41844
Registration number _____

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

Signature

Christine H. McCarthy

Typed or printed name

703.770.7743

Telephone number

June 21, 2006

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Attorney Docket: 060258-0277182
Client Reference: 2980353US/Vk



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of: TIIHONEN Confirmation Number: 7520
ET AL.

Application No.: 09/762,721

Group Art Unit: 2663

Filed: April 26, 2001

Examiner: Lee, Chi Ho. A.

Title: METHOD AND EQUIPMENT FOR SETTING A TIMER

ATTACHMENT SHEETS FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Appellant hereby requests that a panel of examiners formally review the legal and factual basis of the rejection in the above-identified application prior to the filing of an appeal brief. Claims 1, 4 and 10-12 were rejected under 35 U.S.C. 102(e) as being anticipated by Andresen (U.S. 6,073,020), claim 7 was rejected under 35 U.S.C. 103(a) as being unpatentable over Andresen and Haartsen (U.S. 6,021,124), and claims 8-9 were rejected under 35 U.S.C. 103(a) as being unpatentable over Andresen in view of Dent (U.S. Patent No. 6,868,270). Appellant asserts that the outstanding rejections (now on appeal by virtue of the concurrently filed Notice of Appeal) are clearly improper based upon errors in facts. As a result, the rejections should be withdrawn because the cited prior art references, analyzed individually or in combination, fail to disclose, teach or suggest all of the claimed features.

For example, the cited prior art fails to disclose, teach or suggest the claimed method of setting a timer associated with a protocol supporting a data link in a digital mobile communication system in a connection section, wherein the need to change the timer value is determined repeatedly during a connection, at a start of the connection or in response to a handover, as recited in independent claim 1 and 8 and their respective dependent claims. Similarly, the cited prior art fails to disclose, teach or suggest the claimed method of setting a timer associated with a protocol supporting a data link in a digital mobile communication system in a connection section comprising a transmitting party and a receiving party, in

which method an initial value has been defined for the timer, the method comprising setting the timer value to a value deviating from the initial value, should such a need be detected, and wherein the need to change the timer value being detected on the basis of the location of the mobile station, as recited in independent claim 10. Further, the cited prior art fails to disclose, teach or suggest the claimed equipment for setting a timer associated with a protocol supporting a data link in a digital mobile communication system in a connection section, the equipment being adapted to set the current timer value to a value deviating from the initial value, should such a need be detected and the equipment further comprising or having associated with it a data base comprising a plurality of different cell, location area and/or base station controller-specific timer values, as recited in independent claims 11 and 13 and their respective dependent claims.

NO ELEMENT BY ELEMENT ANALYSIS

Appellant notes that the final rejection does not contain an element-by-element comparison between Appellant's independent claims and the cited prior art, particularly Andersen. Thus, the final rejection has failed to show that the prior art discloses each element of the independent claims.

A TIMER IS NOT MET BY A SYSTEM TIME

Moreover, Appellant submits that the final rejection has erroneously interpreted the teachings of Anderson in an effort to apply that reference against the claimed invention. Although the final rejection asserted that Andersen's "system time" corresponds to the claimed "timer," a timer value is very different from a system time. As is well known to any person with ordinary skill in the art, a timer indicates relative times, such as a time elapsed since the transmission of a packet from a network element. To the contrary, the system time (as in Andersen) indicates an absolute time. Moreover, Andersen's disclosure does not contain the word "timer" and does not relate to timers in any way. Accordingly, Andersen fails to disclose, teach or suggest that a need to change the timer value is determined repeatedly during a connection, in response to a handover.

In response to this argument, the final rejection has asserted that the claims do not require that a timer indicates relative times, as opposed to system time, which indicates an absolute time. However, the inherent definition of the term "timer," when considered in the

context of the specification by a person with ordinary skill in the art. In fact, the Appellant's specification systematically uses the term "timer" such that it is clear that only relative times are meant. See, for example, the following passages in the application:

In a data call in a digital mobile communication system, the propagation delay is one of the parameters affecting connection quality. The extent of the propagation delay should affect the choice of system parameters. One such system parameter is the set value of a timer T1 associated with the GSM system RLP protocol. (page 1, lines 7-11)

The term "timer" is logically connected to propagation delay, which is a relative measure of time.

Connection-specific optimization of timer settings improves the reaction speed of protocol software for example in error situations when the integrity of user data has to be fixed by retransmission of either part or all of the frames in a transmission window. (A transmission window is the number of RPL frames the transmitting party can send without receiving acknowledgement from the receiving party.) If the timer is set too long, data transmission slows down, since potential errors are not corrected until the timer has expired. Setting the timer too short, again, results in a much more serious situation, since the transmitting party has to continuously request acknowledgements from the receiving party. (page 1, lines 13-24)

The expressions "timer settings" or "set a timer" would be meaningless in connection with absolute time; also, a device indicating absolute (or "system") time will not expire.

NO MONITORING OR TIMER VALUE SETTING

Furthermore, Andersen fails to teach or suggest "at least one of the parties monitoring if the need to change the timer value has arisen" and "setting the timer value to a value deviating from the initial value, should such a need be detected". The final rejection asserted that Andersen met these features at step 202 of Fig. 2, in which the system time is computed. However, one of ordinary skill in the art would have recognized that Andersen's system time must be updated constantly because a solid system time provides no information; as a result, Andersen fails to teach or suggest monitoring if the need to change the system time (allegedly corresponding to the claimed timer value) has arisen and setting the system time (allegedly corresponding to the claimed timer value) to a value deviating from the initial value, should such a need be detected.

NO DETERMINATION PERFORMED IN RESPONSE TO A HANDOVER

Moreover, Appellant submits that the final rejection's interpretation of Anderson is contrary to the claimed invention. For example, the last element of claim 1 recites that the "need to change the timer value is determined repeatedly during a connection, in response to a handover." Thus, the need to change the timer value is determined repeatedly during a connection, after a handover. Because the act of determining the timer value is performed in response to a handover, it is performed after a handover because the response must follow the cause. The final rejection asserted that Andersen teaches that "the need to change the system time is repeated until the Time to Handoff is reached at step 206." Thus, Andersen's teaching, as interpreted by the final rejection, merely asserts that the need to change the system time stops at handover (literally: repeated until the Time to Handoff is reached).

The final rejection has responded to this argument by merely asserting that the phrase "response to handover" does not require "after a handover." However, one of ordinary skill in the art would necessarily understand that a response to a handover could not occur prior to a handover. It is well known that a response must follow the cause or stimulus that sets off the response. Otherwise the law of causality is broken.

Nevertheless, it is clear that the phrase "in response to a handover" (as recited in the rejected claims) is not met by Andersen's teaching of "until the Time to Handoff is reached." Rather, Andersen fails to disclose determining the need to change the timer value repeatedly during a connection, in response to a handover. Appellant's claimed invention pertains to determining the need to change the timer value, while Andersen discloses "computing system time" (step 202 in Figure 2). Moreover, Appellant's claimed invention pertains to determining the need to change the timer value ... in response to a handover.

To the contrary, Andersen, and particularly Fig. 2 of Andersen, actually teaches that a "computing system time" (step 202) is not performed in response to handoff. Rather, Andersen's Fig. 2 discloses two ways to reach step 202: either directly from "begin" (this route does not pass by "time to handoff(?)", step 206); or alternatively, via step 206 "time to handoff(?)", when the question is answered in the negative (i.e., it is not time to handoff). Therefore, Andersen's Fig. 2 actually teaches that after the time of handoff in step 206, step 202 can no longer be reached.

As explained previously, Miller, Haartsen and Dent fail to remedy these deficiencies of Andersen, as each of those references relates to particulars of mobile phone technology

unrelated to the subject matter recited in the independent claims. Accordingly, the combined teachings of the cited prior art fail to disclose, teach or suggest all the features recited in the rejected claims. Therefore, Appellants submit that claims 1 and 4-14 are allowable.

Please charge any fees associated with the submission of this paper to Deposit Account Number 033975. The Commissioner for Patents is also authorized to credit any over payments to the above-referenced Deposit Account.

Respectfully submitted,

PILLSBURY WINTHROP SHAW PITTMAN LLP



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